

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO

11 SWINERTON BUILDERS, a California
12 corporation; and SWINERTON
13 INCORPORATED, a California corporation,

14 Plaintiffs,

15 AMERICAN HOME ASSURANCE
16 COMPANY; NATIONAL UNION FIRE
17 INSURANCE COMPANY OF PITTSBURGH,
PA.; and DOES 1 through 250, inclusive,

18 Defendants.

CASE NO.: 3:12-cv-04350-SC

STIPULATION AND ORDER TO CONTINUE
CASE MANAGEMENT CONFERENCE

19 The undersigned parties, through their respective counsel, hereby stipulate as follows and
20 request that the Court enter this Stipulation and Order continuing the Case Management Conference
21 to a later date:

22 (1) The currently scheduled June 14, 2013 Case Management Conference was set by
23 Order entered May 6, 2013 (Document 30), prior to the filing and service of responsive pleadings by
24 Defendants American Home Assurance Company ("American Home") and National Union Fire
25 Insurance Company of Pittsburgh, PA ("National Union") (collectively "Defendants");

26 (2) On or about May 28, 2013, Defendants filed a Notice of Motion and Motion to
27 Dismiss (FRCP 12(b)(6)) and alternative Motion to Compel Arbitration (9USC 3, 4).

28 (3) The parties desire a continuation of the Case Management Conference to allow time

1 for the Court to rule on Defendants' Motion to Dismiss prior to the parties and the Court expending
2 time and resources. As such, the parties hereby stipulate to a continuance of the Case Management
3 Conference to a date convenient for the Court.

4
5 /s/ Joseph L. Oliva

Joseph L. Oliva, Esquire
6 Oliva & Associates, ALC
7 11770 Bernardo Plaza Court, Suite 350
San Diego, CA 92128
8 *Attorney for Plaintiffs, Swinerton Builders
and Swinerton Incorporated*

9
10 /s/ Marc J. Derewetzky

11 Marc J. Derewetzky, Esquire
12 Trenk DiPasquale Della Fera & Sodono, P.C.
13 1300 Clay Street, Suite 600
Oakland, CA 94612
14 *Attorneys for Defendants, American Home
Assurance Company and National Union Fire
Insurance Company of Pittsburgh, PA*

15 **GOOD CAUSE APPEARING, IT IS SO ORDERED**

16 The case management conference is continued to Friday, September 13, 2013, at 10:00 a.m.

17
18 

19 06/05/2013

20
21 Honorable Samuel Conti
22 United States District Court Judge

23

24

25

26

27

28

1 OLIVA & ASSOCIATES ALC
2 Joseph L. Oliva, Esq., State Bar No. 113889
3 Charles L. Fanning IV, Esq., State Bar No. 248704
4 11770 Bernardo Plaza Court, Suite 350
5 San Diego, California 92128
6 Telephone: (858) 385-0491
7 Facsimile: (858) 385-0499
8 Email: joliva@olivalaw.com
9 Email: cfanning@olivalaw.com

10
11 Attorneys for Plaintiffs
12 SWINERTON BUILDERS and
13 SWINERTON INCORPORATED
14

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 SWINERTON BUILDERS, a California
18 corporation; and SWINERTON
19 INCORPORATED, a California corporation,

20 CASE NO. cv 12-04350 SC

21 Plaintiffs,

22 PROOF OF SERVICE

23 v.
24 AMERICAN HOME ASSURANCE
25 COMPANY; NATIONAL UNION FIRE
26 INSURANCE COMPANY OF PITTSBURGH,
27 PA.; and DOES 1 through 250, inclusive,

28 Defendants.

29
30 I am employed in the County of San Diego, State of California. I am over the age
31 of 18 and not a party to the within action. My business address is 11770 Bernardo Plaza
32 Court, Suite 350, San Diego, California 92128.

33 On June 4, 2013, I caused the following document(s) described as:

34 STIPULATION AND ORDER TO CONTINUE CASE MANAGEMENT
35 CONFERENCE

36 / / /

37 / / /

38 / / /

1
2 to be served on the interested parties in this action as follows:

3
4 Marc J. Derewetzky
5 mjd@trenklawfirm.com

6 Thomas Holden
7 tholden@trenklawfirm.com

8 TRENK, DIPASQUALE, DELLA, FERA &
9 SODONO, P.C.

10 1939 Harrison Street, Suite 711

11 Oakland, CA 94612

12 Telephone: 510-891-8687

13 Facsimile: 510-891-8627

14 Counsel for Defendants,
15 AMERICAN HOME ASSURANCE
16 COMPANY and NATIONAL UNION
17 FIRE INSURANCE COMPANY OF
18 PITTSBURGH, PA.

19 BY CM/ECF: I caused such document(s) to be served electronically pursuant to the
20 United States Bankruptcy Court's Electronic Case Filing Program to be delivered
21 electronically to those parties who have registered to become an E-Filer.

22 I declare under penalty of perjury under the laws of the United States of America that
23 the foregoing is true and correct and that I am employed in the office of a member of the bar
24 of this Court at whose direction the service was made.

25 Executed on June 4, 2013 at San Diego, California.

26
27
28 
Rosa Nichols